



U.S. Department of Justice

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VIA ECF

The Honorable Richard M. Gergel
 U.S. District Judge, District of South Carolina
 P.O. Box 835
 Charleston, SC 29402

Dear Judge Gergel,

As the Court may recall, during the June 2019 Case Management Conference, the Court invited the parties to submit significant developments that may relate to the AFFF multi-district litigation as they occur. *See* June 21, 2019 Hr'g Tr. at 25:7-20.

On June 22, 2021, the U.S. Government Accountability Office (“GAO”) publicly released the attached report to Congress entitled, “Firefighting Foam Chemicals: DOD Is Investigating PFAS and Responding to Contamination, But Should Report More Cost Information.” The GAO report contains a concise yet comprehensive discussion of the mechanics of the Department of Defense’s program for investigating PFAS contamination due to AFFF under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601-9675 (“CERCLA”). *See* pp. 8-9. It describes the progress of the military branches’ investigation and remediation work at various bases throughout the United States. *See* pp. 12-19. And it reports the expenses incurred to date—\$1.1 billion—and estimated future expenses—another \$2.1 billion—associated with the branches’ efforts. *See* pp. 20-23 & Table 1.

The report also summarizes the research funded by Department of Defense programs for fostering the development of a fluorine-free foam to replace AFFF at land-based installations. *See* pp. 25-29.

We believe the report will assist the Court and the parties by providing an overview of the current status of the military branches’ investigation and remediation work at their affected bases, many of which are the subject of lawsuits in this litigation, and of the next steps the branches may take in their respective CERCLA programs.

Respectfully submitted,

/s/ Frederick G. Hall
 Frederick Gaston Hall
Trial Attorney

cc: Counsel of Record (*via ECF*)
 Attachment